

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HEATHER JEAN ROSCOE,	)	
	)	
Plaintiff,	)	Civil Action No. 06-1393
	)	
v.	)	Judge McVerry
	)	Magistrate Judge Caiazza
TIM WOLFE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This civil rights suit was commenced on October 19, 2006, with the filing of petition to proceed *in forma pauperis*, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on March 29, 2007, recommended that the complaint be dismissed without prejudice due to the Plaintiff's failure to serve the complaint within 120 days as required by Federal Rule of Civil Procedure 4(m). The parties were allowed ten days from the date of service to file objections. The Plaintiff's objections were due on or before April 16, 2007, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19<sup>th</sup> day of April, 2007,

IT IS HEREBY ORDERED that the instant complaint is DISMISSED WITHOUT PREJUDICE due to the Plaintiff's failure to serve the complaint. The Clerk is directed to mark this case CLOSED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 6), dated March 29, 2007, is adopted as the opinion of the court.

\_\_\_\_\_  
s/Terrence F. McVerry  
Terrence F. McVerry  
U.S. District Court Judge

cc:  
Heather Jean Roscoe  
774 Montclair Street  
Pittsburgh, PA 15217